

MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION

Official Minutes October 14, 2005

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**MINUTES OF REGULARLY SCHEDULED HIGHWAYS AND
TRANSPORTATION COMMISSION MEETING HELD IN
ST. LOUIS, MISSOURI, ON FRIDAY, OCTOBER 14, 2005**

A regularly scheduled meeting of the Missouri Highways and Transportation Commission held on Friday, October 14, 2005, in St. Louis, Missouri, was called to order at 9:30 a.m. by Marjorie B. Schramm, Chairman. The following Commissioners were present: Bill McKenna, Vice Chairman, James B. Anderson, Duane S. Michie, Mike Kehoe, and David A. Gach.

The meeting had been called pursuant to Section 226.120 of the 2000 Revised Statutes of Missouri, as amended. The Secretary verified that notice of the meeting was posted in keeping with Section 610.020 of the 2000 Revised Statutes of Missouri, as amended.

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Pete Rahn, Director of the Missouri Department of Transportation, Rich Tiemeyer, Chief Counsel for the Commission; and Mari Ann Winters, Secretary to the Commission, were present on Friday, October 14, 2005.

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*"Department" or "MoDOT" herein refers to Missouri Department of Transportation.
"Commission" or "MHTC" herein refers to Missouri Highways and Transportation Commission.*

CLOSED MEETING

The agenda of the closed meeting was posted in keeping with Sections 610.020 and 610.022, RSMo., including the following statutory citations allowing the meeting to be closed:

1. Section 610.021(11), (12) – Specifications for competitive bidding, sealed bids, or negotiated contracts.
2. Section 610.021(1) – Legal actions and attorney-client privileged communications.
3. Section 610.021(3), (13) – Personnel administration regarding particular employees.

Immediately prior to closing its meeting, and upon motion by Commissioner Michie, seconded by Commissioner Gach, to convene in closed session, the Chairman asked for a voice vote of the members. The vote was as follows:

Commissioner Schramm, Aye
Commissioner McKenna, Aye
Commissioner Michie, Aye
Commissioner Anderson, Aye
Commissioner Kehoe, Aye
Commissioner Gach, Aye

whereupon the Commission closed its meeting.

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APPROVAL OF MINUTES, REGULARLY SCHEDULED HIGHWAYS AND TRANSPORTATION COMMISSION MEETING, SEPTEMBER 9, 2005

Upon motion by Commissioner Michie, seconded by Commissioner Gach, the Commission unanimously approved the minutes of its September 9, 2005, regularly scheduled meeting. The Chairman and Secretary to the Commission were authorized and directed to sign and certify said minutes and to file same in the office of the Secretary.

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CONSENT AGENDA

Consent Agenda Process

In order to make the most efficient use of Commission meeting time and to ensure the Commission members are well informed on issues requiring their action, the staff prepares and submits to the Commission members, in advance of their meeting, internal memoranda consisting of advice, opinions, and recommendations related to the items on the Commission meeting agenda. Those items considered by the staff to be of a routine or noncontroversial nature are placed on a consent agenda. During the meeting, items can be removed from the consent agenda at the request of any one Commission member. The items that are not removed from the consent agenda are approved with a single motion and unanimous vote by a quorum of the members.

Minutes reflecting approval of items on the consent agenda are singly reported herein and intermingled with minutes reflecting action on related subjects that were openly discussed. Reference to "consent agenda" is made in each minute approved via the process described in the paragraph above. Minutes reflecting action on items removed from the consent agenda and openly discussed reflect the open discussion and vote thereon.

Consideration of October 14, 2005, Consent Agenda

No items were removed from the October 14, 2005, consent agenda. Upon motion by Commissioner McKenna, seconded by Commissioner Michie, all items on the consent agenda were unanimously approved.

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REPORTS OF COMMISSION COMMITTEES AND COMMISSION RELATED BOARDS

The Commission has two committees: Audit Committee and Legislative Committee. In addition, it elects Commission representatives to two boards: Missouri Transportation Finance Corporation Board of Directors and MoDOT and Patrol Employees' Retirement System Board of Trustees. The following report was made during the October 14, 2005, meeting.

Legislative Committee – Commissioner McKenna reported that the next Joint Committee on Transportation meeting is scheduled for November 21, 2005; MoDOT's annual report will be presented at that time.

MoDOT and Patrol Employees' Retirement System Board of Trustees - Commissioner Anderson reported the following:

- The MoDOT and Patrol Employees' Retirement System Board of Trustees hosted an open house on September 21, 2005, to commemorate the 50th Anniversary of the Retirement System for MoDOT and State Highway Patrol employees.
- The Board of Trustees accepted the actuarial evaluation covering the period ending June 30, 2005, and approved the rates to be effective July 1, 2006, for MoDOT and uniformed Patrol employees.
- As of the end of August 2005, the Retirement System experienced a one-year investment return of 16.9%, which compares favorably to the policy benchmark of 14.4%.
- Following Governor Matt Blunt's Executive Order stating his intent to appoint a commission to look at consolidating the MoDOT and Patrol Employees' Retirement System and the Missouri State Employees Retirement System, the Governor's Restructuring Commission recommended an analysis of all state retirement systems to determine the feasibility of consolidation.
- The State Auditor's report of the retirement system, which covered the last four years, was sent to all members of the Commission.
- The next Retirement Systems Board meeting is scheduled for November 17, 2005.

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DELEGATION REPRESENTING THE ST. LOUIS RCGA REGARDING REGIONAL PRIORITIES, PUBLIC/PRIVATE PARTNERSHIPS, AND THE NEW MISSISSIPPI RIVER BRIDGE

Scott Schnuck, Chair of RCGA and President and Chief Operating Officer of Schnucks Markets, Inc., was the spokesman for a delegation supporting a new Mississippi River Bridge. Mr. Schnuck commended MoDOT for innovatively moving forward to meet some of the most critical transportation needs in the St. Louis area. He urged MoDOT to continue this positive progress by advancing the design and construction of a new Mississippi River Bridge at St. Louis.

Mr. Schnuck expressed appreciation for MoDOT's implementation of the Smother, Safer, Sooner, Amendment 3 Program, which has resulted in the largest construction program ever undertaken in the State of Missouri. He also expressed pleasure that Amendment 3 funds are being used on the states most heavily traveled roads, and that critical projects in the St. Louis area have been advanced.

Mr. Schnuck commended MoDOT for collaborating with the Missouri Department of Economic Development to determine the impact of highway projects on the state's economy. He emphasized that understanding the impact of transportation projects on job creation, business retention, and business development will aid MoDOT with its future project selection decisions and maximize citizen satisfaction.

Mr. Schnuck conveyed the delegation's support of MoDOT's proposal to use the innovative design-build approach to accomplish the complicated reconstruction of the region's central transportation spine, the I-64 corridor. The use of design-build and innovative financing in this corridor will save \$40 million dollars and allow this project to be completed nearly six years sooner, thereby minimizing disruption to users of this corridor.

Mr. Schnuck expressed the delegation's support for a new Mississippi River Bridge at the currently proposed location in St. Louis to relieve congestion, move people safely without significant delay, and maintain the flow of commodities through the Heartland. He noted that \$239 million in federal funding have been designated to assist with the construction of this bridge and encouraged the Commission to find an innovative funding means to take advantage of those funds.

Mr. Schnuck then advised the Commission that in lieu of visiting another city to study best practices, a group of 130 business, community, and political leaders confined its leadership trip to St. Louis. During the infrastructure segment of the program, Ed Hassinger, District 6 Engineer, contributed information pertaining to bridges, mass transit, and a new Mississippi River Bridge at St. Louis. Mr. Schnuck stated that as part of the economic campaign for the region, a new "brand" for St. Louis ("St. Louis: Perfectly Centered, Remarkably Connected") was created to market St. Louis as an attractive location for new businesses.

The Commission thanked the delegation for the presentation.

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DELEGATION REPRESENTING PROGRESS 64, REQUESTING RECONSTRUCTION OF ROUTE 141 TO FOUR LANES FROM ROUTE I-64 TO OLIVE

Pat Flynn, President of Progress 64 West, was the spokesman for a delegation supporting the upgrade of Route 141 from a two-lane route to a four-lane route from Route 40/I-64 to Olive Street Road.

Mr. Flynn discussed the lack of north/south routes. He noted that Route I-170 ends at Route 40; therefore, the upgrade of Route 141 would help with the southerly flow of traffic. He stated that in 2003, Route 141 was completed from I-55 to Route 40/I-64, which reduced

congestion on Route I-270 by removing approximately 50,000 vehicles a day.

Mr. Flynn stated that the environmental assessment of Route 141 from Olive to Ladue and was approved by the Federal Highway Administration in 2002. He said engineering costs have been funded and right-of-way plans are underway. He reported that Maryland Heights has already spent \$38 million on this project and they are willing to do more. If the project is funded in 2008, he said, final design and right of way acquisition could be completed by mid-2010. Mr. Flynn submitted letters of support from area business and elected officials.

Mr. Flynn projected that the proposed upgrade of Route 141 would relieve traffic congestion on both major and secondary routes; increase safety for the Parkway School District, which houses 2,000 students and 500 facility; improve the response time for emergency vehicles; and alleviate flooding issues. He reported that the proposed project would total approximately \$80 million: \$6.7 million in design and right-of-way plans, \$9 million in right-of-way acquisition, and \$62 million in construction costs. Mr. Flynn asked the Commission to accelerate this project.

In response to an inquiry from Commissioner Anderson, Mr. Flynn confirmed that the St. Louis metropolitan planning organization has identified this project as a long-term priority need and placed the project on its 2011 calendar. The delegation would like the project to be accelerated, and proposed the year 2008.

Chairman Schramm and Director Rahn confirmed that the staff would continue to work cooperatively with the St. Louis metropolitan planning organization to identify and prioritize transportation improvement projects in the St. Louis metropolitan area. Chairman Schramm thanked the delegation for the presentation, and encouraged the members to continue to express their desire for this project to be accelerated to the East-West Gateway Coordinating Council of

Governments in keeping with MoDOT's planning framework process.

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PRESENTATION, MIDWEST AREA RIVER COALITION 2000

Paul Rohde, President of the Midwest Area River Coalition 2000 (MARC 2000) told the Commission that the MARC 2000 is a national organization representing agricultural, industrial, shipping, motor carrier, environmental, and government interests. Its mission is to promote Midwest economic growth through the development and improvement of the Upper Mississippi River System.

Mr. Rhode noted that Missouri is located on the upper Mississippi River, but he said, activities and circumstances along other parts of the waterway affect the entire system. For example, the American Farm Bureau Federation reported \$1 billion dollars in crop damages due to shipping issues resulting from the recent hurricane in the state of Louisiana.

Mr. Rhodes reported that a 13-year, \$75 million navigation study conducted by the Corp of Engineers contains a workable 50-year plan. Implementation of the first 15 years of this long range plan is estimated to cost \$2.4 billion, half of which is projected to be paid by fuel tax from the shippers.

Mr. Rhodes emphasized that waterway transportation is a critical aspect of the nation's economy. He pointed out the need for expansion and modernization of the 1930 structures and reconstruction and/or rehabilitation of the lock and dam systems in the Upper Mississippi region. One of the main challenges is the lack of space in the locks as well as the age of these locks.

Mr. Rohde reported that the U.S. House of Representatives had approved a funding measure for expansion and modernization of the lock and dam system in July 2005; this issue is currently under consideration by the U.S. Senate.

During discussion of the information with the Commission, Mr. Rhodes emphasized that a normal tow consists of approximately 15 barges tied together and pushed by one tow-boat; each tow is equivalent to 870 truckloads of material. He advised that container shipping is currently moving on the Ohio River and the lower Mississippi River; however new locks will be needed to move these large barges on Missouri's portion of the Mississippi River.

The Commission thanked the delegation for the informative presentation.

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PUBLIC COMMENT – I-64 PROJECT

Betty Humphrey, Mayor of Richmond Heights, spoke to the Commission regarding the I-64 project. Overall Richmond Heights is in favor of the I-64 project but feels that the Bellevue Avenue interchange is not necessary and is costly as it pertains to both construction and loss of homes.

The Commission thanked Mayor Humphrey for her presentation and asked the staff to consider her remarks as it pursues design of this project.

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CONSIDERATION OF BIDS ON FEDERAL-AID AND STATE PROJECTS

Award of Contracts September 23, 2005, Bid Opening

On behalf of the Director, Dave Nichols, Director of Program Delivery, stated that bids for road and bridge improvement projects had been received on September 23, 2005.

Mr. Nichols, presented a tabulation of the bids received on all projects and recommended awards be made to the lowest responsive and responsible bidder noted below.

Route County Project	<u>Bid Amount</u>	<u>Non- Contractual Costs</u>	<u>Contractor</u>
Call 101 111 Holt J1L0500F 59 Atchison/Holt J1L0500G	\$1,147,947.30		Norris Asphalt Paving Co. Ottumwa, IA
Call 102 35 Daviess/Harrison J1D0600G	4,080,212.47	1,312.00	Norris Asphalt Paving Co. Ottumwa, IA
Call 103 36 DeKalb/Caldwell J1D0500F 35 Daviess/Caldwell J1D0600H	4,999,518.51	2,624.00	Norris Asphalt Paving Co. Ottumwa, IA
Call 201 Bus. 65 Saline J2P0702	2,753,289.30*	144.00	Lehman Construction, L.L.C. California, MO
Call 301 61 Marion/Ralls J3D0600B	2,469,241.00	656.00	Chester Bross Const. Co./ C.B. Equipment, Inc. Hannibal, MO
Call 302 61 Lincoln J3D0600A	2,916,573.85	1,312.00	Chester Bross Const. Co./ C.B. Equipment, Inc. Hannibal, MO
Call 401 DD Platte J4S1176***	424,991.85		Emery Sapp & Sons Columbia, MO

Call 502 133 Maries J5S0528	1,662,665.73	1,009.40	Don Schnieders Excavating Company, Inc. Jefferson City, MO
Call 503 N Maries J5S0530 DD Maries J5S0531	1,232,192.58	103.24	Don Schnieders Excavating Company, Inc. Jefferson City, MO
Call 504 54 Cole/Callaway J5D0600I 50 Cole J5D0600J	937,063.49	2,624.00	Knish Corporation Lonsdale, MN
Call 506 54 Callaway J5D0600K 70 Callaway J5D0600M	413,625.76	1,968.00	Safety Grooving & Grinding, L.P. Napoleon, OH
Call 507 70/63 Conn. Boone J5D0600G 63 Boone J5D0600H B Boone J5D0600L	1,285,647.98	3,280.00	Knish Corporation Lonsdale, MN
Call 602 64 St. Louis City J6I1607	2,564,762.00	72.00	Millstone Bangert, Inc. St. Charles, MO

Call 603 366 St. Louis J6P1811	173,389.00		Gerstner Electric, Inc. Fenton, MO
Call 604 44 St. Louis City J6I1629	1,985,000.00	4,184.00	Pace Construction Company St. Louis, MO
Call 605 64 St. Louis J6I1889	185,423.32**		Kozney-Wagner, Inc. Arnold, MO
Call 607 141 St. Louis J6D0600S	595,459.55	656.00	Fred Weber, Inc. Maryland Heights, MO
Call 608 141 St. Louis J6D0500N 40/64 St. Louis J6D0500Q	3,555,312.41	1,968.00	L. Krupp Construction, Inc. Ellisville, MO
Call 702 13 St. Clair J7P0793	67,872.65		Keith Contracting, L.L.C. Columbia, MO
Call 901 44 Crawford/Phelps J9I0550	1,699,482.40		James H. Drew Corporation Indianapolis, IN
Call 902 44 Various J9I0560	3,599,142.05		James H. Drew Corporation Indianapolis, IN

Call 903 60 Carter J9P0359E	15,822,211.98	656.00	Emery Sapp & Sons, Inc. Columbia, MO
Call 904 19 Crawford J9P0572	246,532.66	24,872.64	Gaines Construction, Inc. Wentzville, MO
Call X01 57/155 Various J0I0912 57/55 Various J0I0913	580,632.00		D & S Fencing Company Festus, MO
Call X02 62 Scott J0D0600M	667,770.60		Apex Paving Co. Cape Girardeau, MO
Call X03 K & M Scott J0D0600L	466,793.60	656.00	Apex Paving Co. Cape Girardeau, MO
Call X04 55 Scott J0I0907	155,061.50		Gaines Construction, Inc. Wentzville, MO
Total	<u>\$56,687,815.54</u>	<u>\$48,097.28</u>	

* City of Marshall is responsible for approximately \$283,000.

** City of Town and Country is responsible for approximately \$118,188.32.

*** Unanimously awarded by Commission by fax ballot on September 28, 2005.

Construction speed limits conform to the standard work zone speed limits shown on Standard Drawing No. 616.10 as approved by the Commission.

Request for authority to Reject Bids

On behalf of the Director, Dave Nichols, Director of Program Delivery, advised the Commission that bids were received September 23, 2005, on the following projects. He recommended the bids be rejected because they were considered excessive.

Route	County	Project
Call 501		
5	Camden	J5P0590
5	Camden	J5P0590B
5	Camden	J5P0591
Call 505		
AC	Boone	J5D0500I
740	Boone	J5D0600E
163	Boone	J5D0600F
Call 601		
21	St. Louis/Jefferson	J6P1616
Call 606		
44	Franklin/St. Louis	J6D0600N
Call 701		
71B	Jasper	J7S0709
71B	Jasper	J7S0729

Commission Action

After consideration and upon motion by Commissioner McKenna, seconded by Commissioner Gach the Commission took the following action.

1. Awarded contracts to the lowest responsive and responsible bidders for bids received on September 23, 2005, as recommended and noted above. The Commission approved the allocation of funds covering the non-contractual costs for these projects as indicated on the above tabulation. Construction change orders are authorized by the Commission in keeping with the Delegation of Authority to Execute Documents Policy.
2. Rejected the bids on Calls 501, 505, 601, 606, and 701.

In keeping with the Commission's Delegation of Authority to Execute Documents, the Director, Chief Engineer, Chief Financial/Administrative Officer or Director of Program Delivery may execute the contracts awarded above.

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PROPOSAL FOR I-64 IMPROVEMENT INCLUDING AUTHORITY FOR DESIGN-BUILD, DELEGATION OF AUTHORITY, AND 2006-2010 STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM, 2006 AMENDMENT

On behalf of the Director, Dave Nichols, Director of Program Delivery shared with the Commission the proposed design-build concept to be used to complete the improvement of Interstate Route 64. This project will involve approximately 12 miles of I-64, at a cost of \$535 million.

The design-build concept is a team effort which anticipates that the contractor and designer will work innovatively together to deliver this project as quickly as possible. MoDOT's role in this concept is to create project goals, including budgets and timelines. Mr. Nichols reported that the design-build method has been used for many years in both the United States and Europe for vertical construction, but has recently become more popular as a means to accelerate completion of large transportation projects. This concept would not be applicable to all transportation projects.

Mr. Nichols explained the step-by-step concept of the design build process, which requires bidders to be pre-qualified to confirm they have the proper financial structure, experience, and project management structure. The contractors will prepare their proposals in keeping with MoDOT's stated expected results. The bids will be weighed on those MoDOT's specified factors, and selection based on best value. After selection of the contractor, the contractor team will merge with the MoDOT design-build team.

Mr. Nichols noted that in 2003 the General Assembly authorized MoDOT to undertake three unidentified design build projects; the I-64 project would be the first of these projects. MoDOT's goal is to have a contractor in place by September 2006 and the project completed no later than October 1, 2010.

Mr. Nichols recommended that in order for the process to advance as smoothly and quickly as possible, the delegation of authority to the design build team should be approved for this project. The Chief Counsel's Office will be reviewing issues with regards to the delegation of authority since John Cave, Senior Assistant Counsel, is a member of the design-build team.

In response to an inquiry from Commissioner Anderson, Mr. Nichols advised that David Dawns, who assisted the Utah Department of Transportation with the I-15 design-build project at Salt Lake City, is assisting the MoDOT staff with this effort. While MoDOT is taking advantage of the experience of other states, Mr. Dawns has reported that MoDOT has incorporated many new innovative measures.

Director Rahn confirmed that funding for this project is in keeping with the Commission's funding allocation policy and made possible by Amendment 3 provisions and GARVEE bonds.

After discussion and upon motion by Commissioner Anderson, seconded by Commissioner Michie, the Commission unanimously:

- Approved the improvement of I-64 in St. Louis as MoDOT's first pilot design-build project.
- Added Job No. 6I0978, Route I-64, St. Louis County, to year 2007 of the 2006-2010 Statewide Transportation Improvement Program. This project will rebuild the road from west of Spode Road in St. Louis County to west of Sarah Street in St. Louis City and along I-170 from south of Brentwood Boulevard to Eager Road in St. Louis County.
- Authorized the Chief Engineer or his designee to approve and execute documents and expend funds on the pilot I-64 project on behalf of the Missouri Highways and

Transportation Commission, as follows, except that any change resulting in a total expenditure of 2 percent over the project cost will be presented to the Commission:

- **Right of Way Plans** - Certify right-of-way plans for condemnation, subject to Commission ratification.
- **Administrative Settlements** - Make right-of-way administrative settlements.
- **Escrow Bid Documents** - Execute agreements, affidavits, and related documents and expend funds for costs associated with the escrow of bid documents.
- **Intergovernmental Agreements** - Execute agreements with local governments, including other entities for cost-share, enhancements, use of property, environmental mitigations, etc.
- **Construction Change Orders** – Approve and execute construction change orders.
- **Excess Property** – Execute documents to dispose of excess property owned in fee simple title, consistent with statutory requirements.

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MISSOURI DEPARTMENT OF TRANSPORTATION FY 2007 APPROPRIATIONS REQUEST

On behalf of the Director, Roberta Broeker, CPA, Chief Financial/Administrative Officer, presented the Missouri Department of Transportation Fiscal Year 2007 appropriations request in the amount of \$2,671,148 for MoDOT expenditures.

After explanation and discussion, and upon motion by Commissioner Michie, seconded by Commissioner McKenna, the Commission unanimously approved the Missouri Department of Transportation Fiscal Year 2007 Appropriations Request, as noted in the table below, and authorized the staff to release the request to the Office of Administration – Division of Budget and Planning. In response to a question on the status of a revised budget process, Ms. Broeker reported that Kirk Boyer, Director of Resource Management has undertaken this task and been very proactive in seeking input from the districts and divisions. A team of MoDOT employees has been assembled to identify process changes needed to tie expenditures directly to the tangible results.

(See following pages for table)

Missouri Department of Transportation

FY2007 Appropriations Request

(Dollars in Thousands)

	<u>FY 2007 Appropriations Request</u>
Income	
State Revenue	\$1,214,974
Federal Reimbursement	<u>859,454</u>
Total Income	\$2,074,428
 Bond Proceeds	 <u>\$382,000</u>
 Net Income	 \$2,456,428
 Expenditures	
Administration (Operations) ¹ :	\$ 49,240
 Maintenance (Operations) ¹ :	 405,272
 Motor Carrier:	
Operations ¹	\$ 7,759
Refunds	<u>30,800</u>
Total Motor Carrier	38,559
 Motorist Assistance (Operations) ¹ :	 3,428
 Highway Safety:	
Operations ¹	\$ 3,188
Programs	<u>17,494</u>
Total Highway Safety	20,682
 Construction:	
Operations ¹	\$ 155,549
Contractor Payments	1,388,987
Design and Bridge Consultant Payment	50,000
Accelerated Program (Reimbursement)	14,181
Right of Way Land Acquisition	90,000
Federal Pass-Through	<u>102,283</u>
Total Construction	1,801,000
 Fleet, Facilities & Information Systems (Operations) ¹ :	 111,485

(FY 2007 Appropriations Request continued)

Multimodal:	
Operations ¹	\$ 3,403
Programs	<u>63,509</u>
Total Multimodal	66,912
Debt Service on Bonds	174,508
Mississippi River Parkway Commission	<u>62</u>
Total MoDOT Expenditures	\$2,671,148
Other Expenditures	
Other State Agencies	183,764
Miscellaneous Refunds	<u>11,678</u>
Total Expenditure for MoDOT and Other Agencies	<u>\$2,866,590</u>
Excess (Deficiency) of New Income over Expenditures ²	(\$410,162)

¹Operations consists of Personal Service, Fringe Benefits and Expense & Equipment.

²Cash balances from the prior year will offset any deficiency for this fiscal year.

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PARTNERING FOR INNOVATION AND EFFICIENCIES REPORT

On behalf of the Director, Mara Campbell, Organizational Results Director shared with the Commission the results of the Partnering for Innovation and Efficiencies (PIE) Meeting held on August 24, 2005, in Columbia, Missouri. Approximately sixty-five external partners focused on producing transportation projects better, faster, and cheaper. The day concluded with the group selecting six actionable items for the department to pursue with the help of a number of PIE participant volunteers. Ms. Campbell reported that participants had provided positive

comments at the conclusion of the meeting and she anticipates such an event will be repeated in the future.

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MEDICAL AND LIFE INSURANCE PLAN – APPOINTMENT OF MEMBER TO BOARD OF TRUSTEES

On behalf of the Director, Jeff Padgett, Manager of Employee Benefits, and Chairman, Medical and Life Insurance Plan Board of Trustees, recommended appointment of C. E. Fisher as the MSHP retiree representative for a term ending November 2008 or until a successor is named to the Medical and Life Insurance Plan Board of Trustees. Mr. Fisher will replace Roy Bergman whose term expires November 2005.

Via approval of the consent agenda, the Commission unanimously approved the recommendation.

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REPORT AND RECOMMENDATION REGARDING NOTICE OF EMERGENCY RULEMAKING, 7 CSR 10-24, DESIGN-BUILD PROJECT CONTRACTS

On behalf of the Director, Dave Nichols, Director of Program Delivery, presented to the Commission emergency administrative rules 7 CSR 10-24.030, 10-24.110 and 10-24.120, Design-Build Project Contracts, which authorize MoDOT to pursue design-build project contracts on Commissioned authorized projects. He recommended approval of the emergency rulemaking for filing with the Joint Committee on Administrative Rules and the Office of the Secretary of State. He further recommended the Director, Chief Engineer, or Chief Financial and Administrative Officer be authorized to execute any document appropriate and necessary for initiating this rulemaking process. The emergency rules filed by the staff on August 15, 2005, were withdrawn in order to submit a more detailed emergency statement.

Via approval of the consent agenda, the Commission, by unanimous vote of all members present, approved the recommendations.

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REPORT AND RECOMMENDATION REGARDING NOTICE OF RESCISSION AND FINAL ORDER OF RULEMAKING, 7 CSR 10-25.020, OVERDIMENSION AND OVERWEIGHT PERMITS

On behalf of the Director, Jan Skouby, Motor Carrier Services Division Director requested approval of the final order of rescission and adoption of final order of rulemaking for filing with the Joint Committee on Administrative Rules and the Secretary of State. She noted that the Missouri Farm Bureau Federation had submitted comments pertaining to six subsections of the rules and discussed amendments made as a result thereof or the reasons why the staff felt revisions should not be made. She recommended the Director, Chief Engineer, or Chief Financial and Administrative Officer be authorized to execute any document appropriate and necessary for finalizing the rulemaking process.

Revenue from the increased permit fees, which approximates the average charged by other states, is expected to generate an additional \$1,500,000 annually.

Via approval of the consent agenda, the Commission unanimously approved the recommendation.

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TROY/LINCOLN COUNTY TRANSPORTATION DEVELOPMENT DISTRICT, APPOINTMENT OF AN ADVISOR AND APPROVAL OF THE PROJECT

On behalf of the Director, Kirk Juranas, District 3 Engineer, and Roberta Broeker, Chief Financial and Administrative Officer, presented the following Troy/Lincoln County Transportation Development District proposed transportation projects:

1. Widening Route 47, Lincoln County, from three lanes to five lanes starting at the southbound ramps west to Main Street in Troy.
2. Lincoln intersection improvements, including lengthening the turn lanes and installing new mast arm traffic signals.

Via approval of the consent agenda, the Commission unanimously (1) appointed the District 3 District Engineer as the Commission advisor to the Troy/Lincoln County Transportation Development District's board of directors and (2) found that the Commission's portion of the project was a necessary and desirable extension of the state highways and transportation system, subject to the Development District making any revisions in the plans and specifications required by the Commission and subject to the Development District entering into a mutually satisfactory agreement with the Commission regarding development and future maintenance of the project. In keeping with the Commission's Delegation of Authority to Execute Documents, the Director, Chief Engineer, or respective business unit director may execute the related agreements.

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CHANGE IN ACCESS, BREAK IN ACCESS, ROUTE 19, OREGON COUNTY

On behalf of the Director, Tom Stehn, District 9 Engineer, recommended approval of a request from the City of Alton to construct a 24-foot city street located at the easterly right-of-way line opposite Station 1183+57 on Route 19, Oregon County. The proposed entrance is a non-arterial street constructed to accommodate a medical center and will not provide traffic relief to the state system; therefore, in keeping with the Commission's February 17, 1997, policy, specific Commission action is required for the proposal to proceed. The City of Alton will

compensate the Commission in the amount of \$15,000 in keeping with the Department's Value Determination Schedule.

Via approval of the consent agenda, the Commission unanimously approved the recommendation.

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ROADWAY LOCATION AND/OR DESIGN APPROVAL

On behalf of the Director, the District Engineers informed the Commission that preliminary plans and exhibits for the following project was presented at a public hearing.

**Route I-35, Harrison County
2.0 Miles south of Iowa State Line on the West Side of I-35
Job No. J1I0926**

Public Hearing Held June 23, 2005

This project will design and construct a Welcome Center with access to and from southbound I-35 only. This project will have fully controlled access right of way. The project is approximately 0.5 mile long and fronts on southbound I-35.

Mr. Don Wichern, District 1 Engineer, recommended that the Commission approve Site 1 as the preferred site for the Welcome Center and authorize the district to acquire the necessary right of way for the project.

After full consideration of the favorable and adverse economic, social, and environmental effects of the recommended design, the Commission via approval of the Consent Agenda, unanimously found and determined the recommended design would best serve the interest of the public and approved the recommendation.

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RATIFICATION OF APPROVAL OF RIGHT OF WAY PLANS FOR CONDEMNATION

On behalf of the Director, Dave Nichols, Director of Program Delivery, recommended the Commission ratify the Chief Engineer's approval of the following right-of-way plans, which have been filed for condemnation.

<u>County</u>	<u>Route</u>	<u>Job Number</u>	<u>Date Commission Approved Design</u>
Franklin	I-44	J6I1508	October 1, 2004

In accordance with Section 227.050 RSMo, the Commission, via approval of the consent agenda, approved the right-of-way plans for the above noted projects and directed they be filed as necessary for the condemnation of right of way.

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--REPORTS--

**MEDICAL AND LIFE INSURANCE PLAN: MISSOURI DEPARTMENT OF
TRANSPORTATION AND MISSOURI STATE HIGHWAY PATROL MEDICAL AND
LIFE INSURANCE PLAN REPORT**

Mr. Jeff Padgett, Manager of Employee Benefits and Chairman, Medical and Life Insurance Plan Board of Trustees, presented reports on the financial status of the Medical and Life Insurance Plan covering the period from July 2004 through June 2005.

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DESIGN/BRIDGE ENGINEERING CONSULTANTS

Dave Nichols, Director of Project Development, presented the Design/Bridge Engineering Consultants Report as of August 31, 2005. The report reflects current active consultant work on projects contained in the State Transportation Improvement Program.

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MoDOT FINANCIAL REPORT – FISCAL YEAR 2006

Roberta Broeker, Chief Financial and Administrative Officer, presented the Fiscal Year 2006 Financial Report for the period ending August 31, 2005. The report shows budget to actual cost comparisons.

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